

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

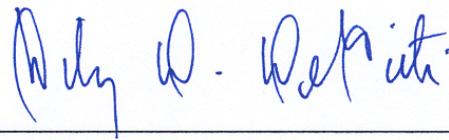
DAMON E. HAWKINS,)
Petitioner,)
v.) Case No. CIV-12-583-D
WARDEN UPTON,)
Respondent.)

ORDER OF DISMISSAL

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Bana Roberts pursuant to 28 U.S.C. § 636(b)(1)(B)-(C) on August 6, 2012. Judge Roberts recommends that the Petition for relief under 28 U.S.C. § 2241 be dismissed upon filing because Petitioner's exclusive remedy is a motion under 28 U.S.C. § 2255 in the Western District of Missouri. Petitioner has failed to file a timely objection, and has waived further review. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). For this reason, and the reasons fully explained by Judge Roberts, the Court finds that the Petition should be dismissed without prejudice for lack of jurisdiction.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 8] is adopted in its entirety. The Petition is DISMISSED without prejudice to a filing in the proper forum.

IT IS SO ORDERED this 30th day of August, 2012.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE